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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 0121
v.	COMPLAINT FOR VIOLATION OF:
Jaime LIZARRAGA-Lopez, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 15, 2008** within the Southern District of California, defendant, **Jaime LIZARRAGA-Lopez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **16th** **DAY** OF **January 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Jaime LIZARRAGA-Lopez

PROBABLE CAUSE STATEMENT

On January 15, 2008, Border Patrol Agents David A. Kaiser and D. Wenzal were assigned to patrol duties at the Imperial Beach Border Patrol Station area of operations. Agents Kaiser and Wenzal responded to a report of seven subjects walking north from the border fence in an area known as the "The 90's". This area is approximately five miles west of the San Ysidro, California Port of Entry and 100 yards north of the United States/Mexico International Border. Upon arriving to the area, Omaha (DHS Air Support) observed seven subjects hiding in brush. Omaha guided Agent Kaiser and Agent Wenzal to the location and approximately 4:45 a.m. agents Kaiser and Wenzal encountered seven individuals attempting to conceal themselves in thick brush at "The 90's" location. Agents Kaiser and Wenzal identified themselves as United States Border Patrol Agents and then questioned each subject as to his or her citizenship and immigration status. Each subject and one later identified as **Jaime LIZARRAGA-Lopez**, admitted to being citizens of Mexico without immigration documents that would allow them to enter or remain in the United States legally. All seven subjects were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 6, 1998** through the Port of Entry at **El Paso, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.